

### REMARKS

#### Objections Under Section 112

An objection is lodged to claims 1 and 8 under Section 112, 1<sup>st</sup> paragraph. With respect to claim 1, there is apparently an assertion that there is some inconsistency between what is done by the portable device itself and what is done by the base station, relative to what is stated in the specification.

Claim 1 only says that the control unit executes a configuration application to determine whether the configuration of the portable device is desired in response to an indication received from a base station upon detection of a problem with the portable device by the base station. In other words, the detection of the problem may be done at the base station. See the specification at page 7, lines 15-17. The determination of whether configuration is desired is then done in the portable device itself. This is consistent with page 7, lines 7 and 8 that indicates that it is the portable device itself that determines if configuration is desired. However, it may determine if configuration is desirable in one of several ways. One of which includes the base station detecting a problem and generating an indication "that configuration may be desired." This configuration is then processed by the base station to determine if, in fact, configuration "is desired."

The specification states that it is the portable device that determines if configuration is desired. See page 7, lines 6-17 and Figure 4. The portable device may determine whether configuration is desirable in several different ways. One way the portable device may be able to determine that configuration is desirable is that it may itself detect initialization problems. See page 7, lines 9-11. Alternatively, the user may indicate that configuration is desirable. See page 7, lines 11-15. As yet another embodiment, the base station may detect a problem with the portable device and generate an indication that "configuration may be desired." See page 7, lines 15-17. In each case, the portable device is expressly stated to be the entity that determines if configuration is desired.

The language at column 7, lines 15-17 is yet another way of detecting inputs to determine whether configuration may be desired, as explicitly stated in the claim. Thus, the sum total is that the information for the configuration determination may be gathered from the user, from the

portable device itself, or from the base station. The determination of whether configuration is desired is still accomplished in the portable device.

Claim 1 simply covers the embodiment where the problem is detected in the base station and then the execution of the configuration application is done in the portable device. The mere fact that page 7, line 15 talks yet about "another embodiment," refers to another way that information is accessed to determine if configuration is desired. The word "embodiment" is used with each of the variations. For example, at page 7, line 11, it is stated that in an alternative embodiment the user may indicate the input device. Each of the three different embodiments specified are all different ways that the portable device gets information to decide if configuration actually is desired. This may be done through the user, it may be done on the portable device, or it may be done from information received from the base station. Each of these are different embodiments or different ways of learning that a problem exists. Claim 1 covers one of these embodiments.

Therefore, reconsideration of the rejection of claim 1 is requested.

Similarly, claim 8 calls for diagnosing a malfunction of a portable device with the base station. Thus, claim 8 relates to the same embodiment as claim 1, namely, the embodiment set forth on page 7, lines 15-17 in the specification. Then, the portable device in claim 8 determines if configuration is desired based on diagnosing of the malfunction. This is consistent with page 7, lines 7 and 8 that indicates that it is the portable device itself that determines if configuration is desired. However, it may determine if configuration is desirable in one of several ways. One of which includes the base station detecting a problem and generating an indication "that configuration may be desired." This configuration is then processed by the base station to determine if, in fact, configuration "is desired."

Therefore, reconsideration of the rejection of claim 8 is respectfully requested.

There can be no misunderstanding of the language set forth in the pertinent paragraph on page 7 since it is explicitly stated that "the portable device 20 (1-n) may determine (at 420) if configuration is desirable in one of several ways." It then goes on to give the three different ways of determining if configuration is desirable and one of those ways is receiving an indication from the base station that configuration may be desired, but that is yet to be determined by the portable device based on the information received from the base station.

Therefore, reconsideration is requested.

**Prior Art Rejection**

Reconsideration is requested with respect to the rejection of claim 44. It requires the following elements:

1. the control unit to execute the configuration application to verify the configuration of the portable device is desired;
2. based upon the detection of the problem by the base station; and
3. in response to a booting of the portable device.

The rejection of claim 44 concedes that "The combination of Fette and Webster does not specifically disclose having the feature wherein the control unit to execute the configuration application to verify that configuration of the portable device is desired based upon detection of a problem by the base station in response to a booting of the portable device." See page 14. Further, it is noted that "The combination of Fette, Webster, Kirkpatrick, and Imamatsu does not specifically disclose having the feature in response to a booting of the portable device." See page 16. It is suggested that this feature is obvious over Criss, citing column 6, lines 60-67 and column 7, lines 24-60 and Figures 1, 2, and 12. It is respectfully submitted that column 6, lines 60-67 is only general background material that is not highly pertinent.

In the cited language, starting at line 24 of column 7, Criss points out that the host computer is responsible for determining whether the mobile terminals have the most current versions of software and, if updating is needed, indicating to the mobile terminals which operating software needs to be updated. Criss then points out that when the mobile terminal initially powers up or is reset, it goes through initialization or a boot-up routine. Further, it is noted that that routine includes communicating with the host computer by a selected base station in order that the host computer provides the mobile terminal with its Internet Protocol address. The host computer also requests from the mobile terminal indica which indicates which version of the operating system the mobile terminal is running. The host computer then compares the version of the operating software stored within the mobile terminal with the latest version known to be available. If the mobile terminal has a different version of the operating software stored as compared to the version currently available, it is assumed that the operating software in the server has been upgraded since the last time the mobile terminal has logged on. Consequently, the host computer transmits a request to the mobile terminal requesting the mobile terminal to

have its software updated. Upon receiving the request, the mobile terminal initiates an exchange with a server to download the latest version.


However, this does not correspond with what is claimed. Specifically, the control does not execute the configuration application to verify that configuration of the portable device is desired "based upon the detection of the problem by the base station." The base station is not involved in any way in the cited reference. Nor is there any detection of any problem by either the base station or the host computer. And, most definitely, there is no detection of the problem "in response to a booting of the portable device." The device is already booted and apparently used an outdated version of the software. But there is no detection of any problem in response to a booting of the portable device.

As explained in column 7 at lines 38 *et seq.*, "just following the boot-up routine, or anytime thereafter," the host request from the mobile terminal indicia which identifies which version of the software the unit is running. Thus, there is no detection of any problem, but automatically the mobile station is asked for the version of the software it is running and there is no detection of the problem by the base station in response to a booting of the portable device. In other words, at some time after booting, the host computer always asks the mobile station what version of the software it is running and there is no action that is taken in response to booting or in response to the detection of any problem.

Therefore, reconsideration of the rejection of claim 44 is respectfully requested.

Respectfully submitted,

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Timothy N. Trop, Reg. No. 28,994  
TROP, PRUNER & HU, P.C.  
1616 South Voss Road, Suite 750  
Houston, TX 77057-2631  
713/468-8880 [Phone]  
713/468-8883 [Fax]  
Attorneys for Intel Corporation